GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department- Case under prevention of Corruption Act, 1988 against Sri T.Siva Nageswara Rao, Special Revenue Inspector – Conviction orders issued by Special Judge for SPE & ACB cases Vijayawada – Imposed of Major penalty of dismissal from Service under Rule 9 (x) of APCS (CCA) Rules,1991- criminal Appeal filed by him in the Hon'ble High Court/Hon'ble Supreme Court - Allowed– Reinstatement into Service –Orders- Issued.

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REVEUNE (VIGILANCE.III)DEPARTMENT

G.O.Ms.No.40 Dated:16.02.2021

Read the following:

1. From the D.G., ACB, Rc.No.86/RCT-VKI/2000, dated:07.07.2020.
2. From the District Collector, Krishna, Procegs dated:21.06.2000.
3. From the District Collector, Krishna, Procegs dated:06.06.2003
4. From the D.G., ACB, Rc.No.86/RCT-VKI/2000, dated:17.03.2003.
5. G.O.Ms.No.454, Revenue (Vig.VII)Department, dated:05.07.2001
6. From the Hon'ble Spl.Judge for SPE&ACB, Vijayawada, order in CC.No.20/2001 dated:11.08.2006.
7. G.O.Ms.No.615, Revenue (Vig.VII)Department, Dt:04.05.2007
8. From the Hon'ble High Court of Andhra Pradesh, orders in Criminal Appeal No.1123/2006, dated:30.10.2018.
9. Govt.Memo.No. REV01-LANA0CCLV(ACBC)/6/2019-VIG-III, dated:10.05.2019.
10. From the Hon'ble Supreme Court of India, order in SLP (Criminal), Diary No.27118/2019, dated:26.08.2019.
11. Representation of T. Siva Nageswara Rao, Spl.Revenue Inspector, dated:26.12.2020.
12. Govt.Memo.No. REV01-LANA0CCLV(ACBC)/6/2019-VIG-III, dated:04.02.2021.
13. From the D.G., ACB, Rc.No.86/RCT-VKI/2000-S.9, dated:03.02.2021

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ORDER:

In the reference 1st read above, the D.G., ACB, has reported that Sri T.Siva Nageswara Rao, while he was working as Spl. Revenue Inspector, O/o Special Officer and Competent Authority, Urban Land Ceilings, Vijayawada was trapped by ACB Officials on 16.06.2000, Vijayawada, as he demanded and accepted Rs.1000/- as bribe from the Complainant for giving permission to sell a part of his house site (225 sq.yards). In reference 2nd read above, the A.O. was placed under suspension by the Collector, Krishna District. Later, the A.O. was reinstated into service by the Collector, Krishna District vide reference 3rd read above.

2. In the reference 4th read above, the D.G., ACB has submitted final report and stated that after verifying the oral, documentary and scientific evidence to prove the guilt of the A.O. and recommended to sanction order for prosecuting the A.O. Sri T.S.Nageswara Rao, Spl. Revenue Inspector in a court of law. In the G.O.5th read above, Govt., after examination of the matter, have issued orders according permission to the D.G., ACB to prosecute the A.O. Sri T.S.Nageswara Rao, Spl. Revenue Inspector in the court of Law.

3. In the reference 6th read above, the Hon'ble Court of Special Judge for SPE & ACB Cases, Vijayawada has convicted the A.O. Sri T.Siva Nageswara Rao, Spl. Revenue Inspector with the following order dated:11.08.2006 in C.C.No.20/2001:-

> *"the prosecution established all the essential ingredients u/s 7 as well as u/s 13 (1) (d) read with 13 (2) of P. C. Act,,1988 that the accused is a public servant and he accepted or obtained M.O.3 as illegal gratification from P.W.3 by corrupt or illegal means for showing an official favour of sending favorable survey report in favour of P.W.3. Therefore, the Court find the accused guilty of the charges u/s 7 and 13 (1) (d) read with 13 (2) of PC, Act, 1988 and convict him u/s 248 (2) Cr.P.C".*

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"In the result, the Accused Officer is sentenced to undergo Rigorous imprisonment for a period of One Year and also to pay a fine of Rs.2,500/- (Rupees Two Thousand and Five Hundred only), in default to suffer simple imprisonment for three months for the offence under section 7 of the Prevention of Corruption Act, 1988. He is further sentenced to undergo Rigorous imprisonment for a period of one year and also to pay a fine of Rs.2,500/- (Rupees Two Thousand and Five Hundred only), in default to suffer simple imprisonment for three months for the offence under section 13 (1) (d) read with 13 (2) of the prevention of Corruption Act, 1988 . Both the substantive sentences shall run concurrently. Total fine amount to be paid by the A.O. is Rs.5,000/- M.O.3 (cash of Rs.1,000/-) and M.Os 1,2 and 4 to 8 shall be destroyed after expiry of appeal time".

4. In the G.O.7th read above, Govt., after careful examination of the matter, have issued orders dismissing Sri T. Siva Nageswara Rao, Spl. Revenue Inspector, O/o Spl. Officer and Competent Authority, Urban Land Ceilings, Vijayawada from Government service with immediate effect under sub –rule (i) of rule 25 of Andhra Pradesh Civil Services (CCA) Rules, 1991.

5. In the reference 8th read above, aggrieved the dismissal order, the AO Sri T.Siva Nageswara Rao, formally Spl.Revenue Inspector has filed Criminal Appeal in C.A.No.1123/2006 before the Hon'ble High Court of Andhra Pradesh. The Hon'ble High Court in C.A.No.1123/2006, dated:30.10.2018 has disposed the case as follows:-

"The Criminal appeal is allowed setting aside the conviction and sentence recorded against the appellant in the Judgment, dated.11.08.2006, passed in C.C.No.20 of 2001 by the Court of Special Judge for SPE & ACB Cases, Vijayawada. Consequently, the appellant is acquitted of the charge leveled against him. The appellant shall be set at liberty forthwith, if not required in any other crime. The fine amount, if any, paid by the appellant shall be refunded him".

6. In the reference 9th read above, Government have accorded permission to the DG, ACB to file SLP petition before the Hon'ble Supreme Court of India against the orders of the Hon'ble High Court in C.A.No.1123/2006, dated:30.10.2018. In the reference 10th read above, the Hon'ble Supreme Court has made the following order in SLP.(Crl) Diary No.27118/2019, Dt:26.08.2019:-

"Delay condoned
We are not inclined to interfere with the impugned order passed by the High Court.
The Special Leave petition is accordingly dismissed."

7. In the reference 11th read above, Sri T.Siva Nageswara Rao, formerly Spl. Revenue Inspector, O/o. SO, ULC, Vijayawada has requested the Government to issue necessary orders of his reinstatement into service, consequent to orders passed by the Hon'ble High Court of Andhra Pradesh in 1123/2006, dated:30.10.2018.

8. In the reference 12th read above, Govt., have requested the D.G., ACB to examine the case in detail as per the facts and circumstances of the case and firm up specific opinion and send appropriate recommendations to Govt., to file review petition in the Hon'ble Supreme Court of India against the orders of the Hon'ble Supreme Court in SLP (Criminal)Diary No.27118/2019, dated:26.08.2019. Further, representation of Sri T.Siva Nageswara Rao and orders of High Court in W.P.No.22970/2020 dated:07.12.2020 have been sent to the D.G. ACB for furnishing report to the Government.

9. In the reference 13th read above, the D.G., ACB, while stating among others, that more than one year has been lapsed after passing the order of the Hon'ble Apex Court in SLP (Criminal) Diary No.27118/2019, has opined that, the Hon''ble Apex Court may not condone the delay in filing Review Petition. He has requested

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the Government to drop further action against the Sri T. Siva Nageswara Rao, Revenue Inspector (Dismissed) as review Petition is not feasible in the Hon'ble Supreme Court against the orders of the Hon'ble Supreme Court in SLP (Criminal)Diary No.27118/2019, dated:26.08.2019.

10. After Careful examination of the matter, in compliance with the directions of the Hon'ble High Court of Andhra Pradesh and the order of the Hon'ble Supreme Court of India and also the recommendations of the D.G, ACB, Government hereby drop further action against the A.O. Sri T.Siva Nageswara Rao, formerly Spl. Revenue Inspector, O/o. SO, ULC, Vijayawada and hereby reinstate Sri T.Siva Nageswara Rao, formerly Spl. Revenue Inspector, O/o. SO, ULC, Vijayawada into service with immediate effect.

11. The Collector & Magistrate, Krishna District, Machilipatnam shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.USHARANI
PRINCIPAL SECRETARY TO GOVERNMENT

To:
The Collector & Magistrate, Krishna District, Machilipatnam.
Sri T.Siva Nageswara Rao, Spl.Revenue Inspector, O/o SO, ULC, Vijayawada
through the Collector & Magistrate, Krishna District, Machilipatnam
The Chief Commissioner Land Administration, A.P., Vijayawada.
Copy to:
The D.G., ACB, AP, Vijayawada.
The Secretary to APVC, AP Secretariat, Velagapudi,Amaravati,
The Accoutant General (A&E), A.P., Hyderabad.
The G.P. for Services, AP High Court, Amaravarti.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER